

Applicant

Shawn Kunz
P.O. Box 113
St. Clair, MN 56080

Property Owner

Esther Kunz
18556 State HWY 22
Mankato, MN 56001

Request and Location

Request for review and approval of a Variance to reduce the required rear yard setback from 50 feet to 19.5 feet for the purpose of adding an addition of living space to an existing dwelling. The property is zoned Agricultural and is located in part of the Eastern Half of the Southeast Quarter of Section 9, Decoria Township.

Project Proposal and Existing Site Conditions

This is a narrow parcel of 1.34 acres with an existing dwelling and detached garage. The existing dwelling is 16.4 feet to 19.9 feet from the rear property line. The applicant proposes to add an addition to the existing dwelling of 16 feet by 30 feet. The proposed addition moves farther from the property line from 19.9 feet to 21.6 feet. There is a bluff in front of the dwelling approximately 50 feet to the east. The proposed addition will meet the front and side yard setbacks as well as the 30 foot setback from the top of the bluff. See Attachment A-3

Project Outcome

If approved, the applicant will be able to add a 16' x 30' addition of living space to the north side of the existing dwelling.

Existing Land Use within ¼ mile

North: Four residential dwellings and a wooded ravine system

South: Wooded ravine system, crop land, four residential dwellings and County Road 178

East: Steep slopes, State Highway 22, several residential dwellings and a wooded ravine system

West: Crop land, woodland, and areas with steep slope

Access:

There is no change in access being proposed access is from State Highway 22.

NATURAL RESOURCES INFORMATION

Topography

The topography in the immediate area varies considerably, with the existing home and out buildings all setting on a plateau. The current dwelling is approximately 50 feet from the top of a bluff to the east. See Attachment A-4

Floodplain

The proposed addition is approximately 1,475 feet from the nearest FEMA mapped floodplain area. See Attachment A-5

Shoreland

Shoreland overlay district is approximately 380 feet northeast from the proposed addition. See Attachment A-6

Township Review

In an email dated September 24th, 2018 it was stated that the applicant attended the September 10, 2018 township meeting. Township approved of the applicant's variance provided it meets Blue Earth County's planning and zoning requirements.

Environmental Health Review

See Attachment A-7

APPLICATION SACTIONS OF THE COUNTY ZONING ORDINANCES**Sec. 24-48. Board of Adjustment**

- (h) **Powers and Duties of the Board of Adjustment.** The Board of Adjustment shall have the following duties
1. **Variances.** The Board of Adjustment shall have the exclusive authority to order the issuance of denial of variances from the requirements of any official control, including restrictions placed on nonconformities.
- (j) **Criteria for Granting Variances.** A variance to a provision of the Zoning Ordinance may be issued to provide relief to the landowner in those zones where the intent of the applicable standards creates practical difficulties for the property owner in the use of their land.

A variance may be granted only in the event that all of the following circumstances exist:

1. The variance is in harmony with the general purpose and intent of the official control.
2. The variance is consistent with the intent of the comprehensive plan.
3. The property owner proposes to use the property in a reasonable manner not permitted by an official control.
4. The plight of the landowner is due to circumstances unique to the property, not created by the landowner.
5. The variance will not alter the essential character of the locality.
6. The practical difficulty includes more than economic considerations alone.

Sec. 24-113 Height, yard and lot area, width and depth regulations.

(g) *Rear yard regulations.* There shall be a rear yard of not less than 50 feet to the dwelling or primary building in the A district.

Applicant's Statement of Practical Difficulty

In summary: The current house, as constructed in 1954 only includes 900 square feet of living space. The applicant states that the location of the rear property line and the highway creates a narrow lot which makes placing the proposed addition anywhere else difficult.

See Attachment A-8

Proposed Findings

Staff has developed the following proposed findings to be considered by the Board of Adjustment:

1. The variance is in harmony with the general purpose and intent of the official control.
The stated purpose of the Agricultural District is to preserve agricultural related uses, prevent scattered development, and preserve woodlands and scenic value. The request is for an addition on an existing dwelling that will not impact any agricultural uses, will not add an additional dwelling, and will not impact any woodland areas or scenic value. Therefore, the request appears to be in harmony with the general purpose and intent of the official control.
2. The variance is consistent with the intent of the Comprehensive Plan.
The Blue Earth County Land Use Plan includes a goal that states, "Blue Earth County contains large areas of environmentally sensitive land. It is in the County's best interest to adopt performance standards to protect natural resources such as bluff areas, rivers, wetlands, and wooded areas, from development pressures." If approved the variance will allow for the dwelling to remain away from the bluffs and keep the wooded areas as untouched. Therefore, the request appears to be consistent with the intent of the comprehensive Land Use Plan.
3. The property owner proposes to use the property in a reasonable manner not permitted by an official control.
The current parcel contains a legal nonconforming single-family dwelling. According to County records this structure was built in 1954 which is before the current setback regulations were adopted. The variance request will allow for a greater standard of living with the least amount of disturbance. Therefore, the proposed use appears to be a reasonable use not permitted by an official control.

4. The plight of the landowner is due to circumstances unique to the property, not created by the landowner.
The plight of the applicant stems from the shape of the property and the size of the dwelling. The narrow shape and required setback to the bluff, rear yard and the Highway make moving the dwelling difficult. The size of the current dwelling cannot accommodate the needs of the applicant's family. For these reasons, the plight of the landowner appears to be due to circumstances unique to the property, not created by the landowner.
5. The variance will not alter the essential character of the locality.
The character of the locality is a mixture of residential structures and wooded hillsides. The proposed addition will not change the essential character of the locality.
6. The practical difficulty includes more than economic considerations alone.
The practical difficulty on this property is related to the nearby steep slopes, the shape of the property, and the presence of State Highway 22. The purpose of the variance is to increase the livable area for the applicant's family. Keeping the dwelling in its current location will prevent any encroachment into the required setbacks from the highway or the top of the bluff. It appears as though the practical difficulty includes more than economic considerations alone.

Recommendation

Staff recommends **APPROVAL** of the request to reduce the required rear yard setback from 50 feet to 19.5 feet for the purpose of a 16 feet by 30 feet addition to the existing dwelling with the following conditions:

1. The applicant shall apply for and receive a construction permit within one year of approval of the variance and prior to commencing any construction related activities.
2. During excavation of the new basement, the sealed well to the north must be carefully excavated around and cut off below the basement so that it remains intact.
3. No buried plumbing can be added to the proposed addition unless the buried plumbing is pressure tested to meet state well code requirements.

Attachments:

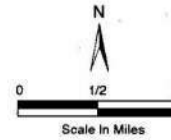
- A-1 General Location Map
- A-2 Current Site Map
- A-3 Proposed Site Map
- A-4 Topography Map
- A-5 Floodplain Map
- A-6 Shoreland Overlay Map
- A-7 Environmental Health Review
- A-8 Applicant's Statement of Practical Difficulty
- A-9 Findings of Fact Checklist

General Location Map

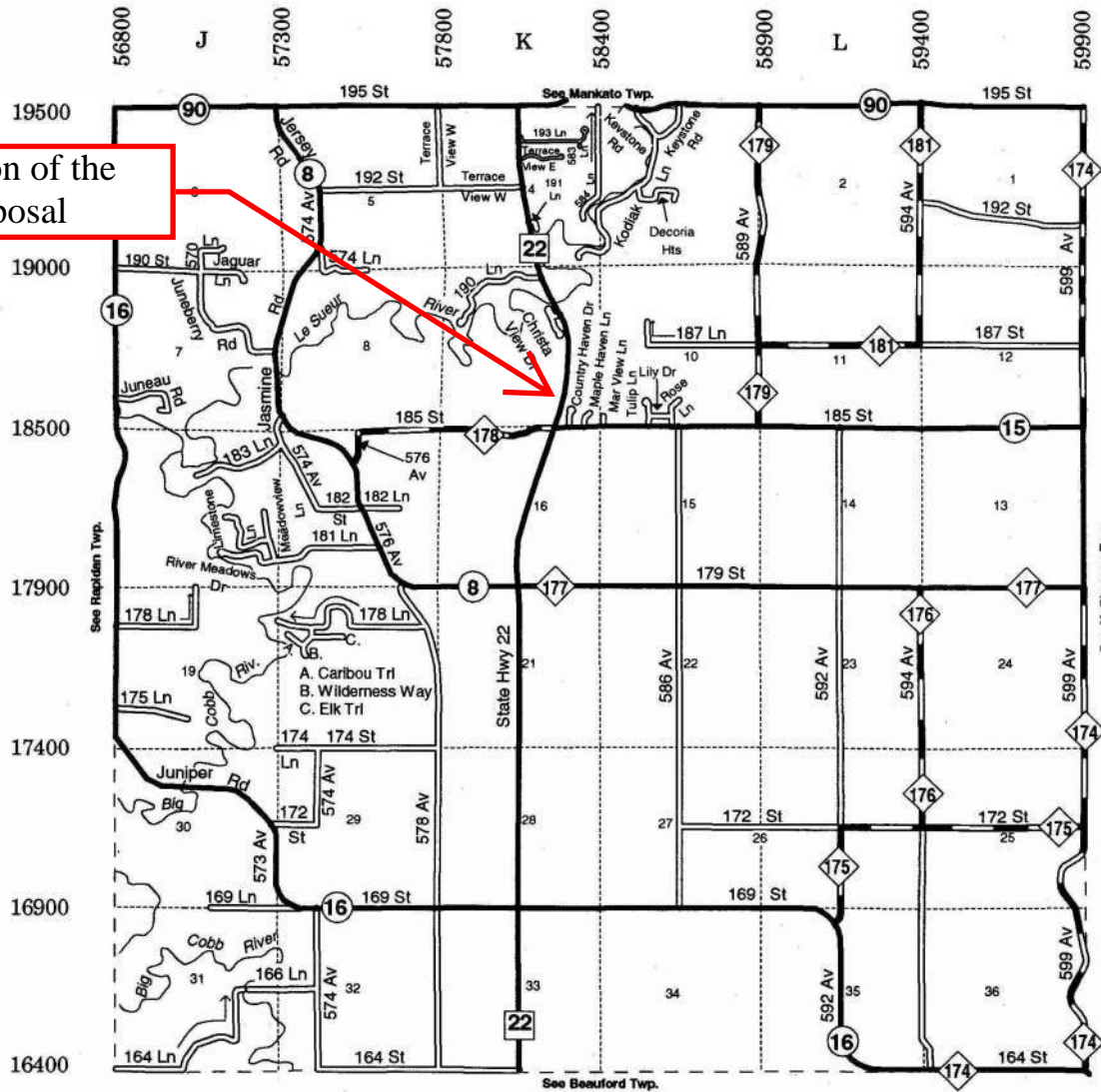
Attachment A-1

Decoria

T 107 N - R 26 W

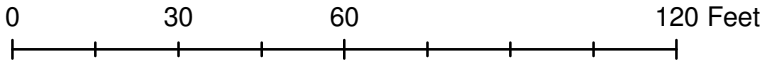
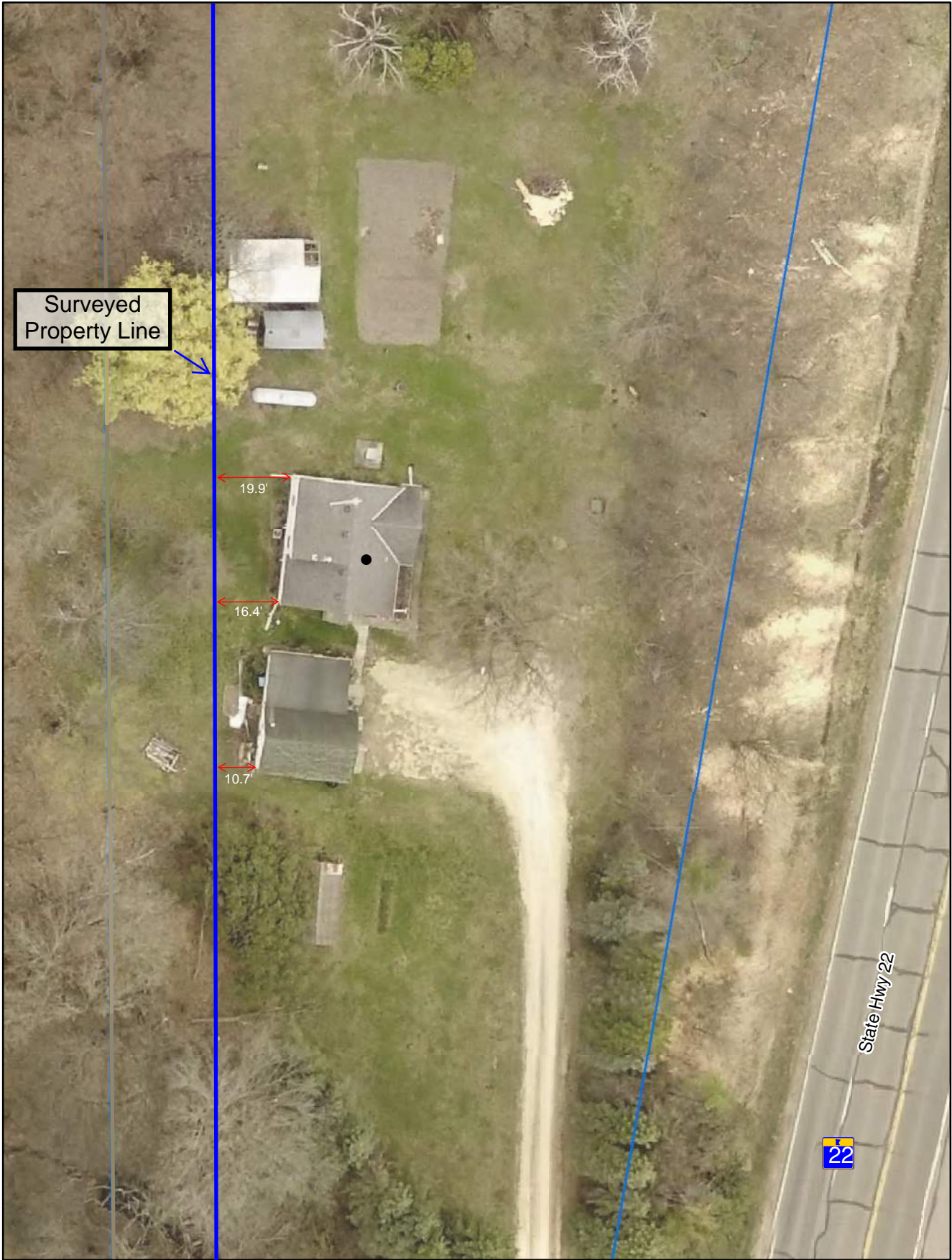


Location of the
Proposal

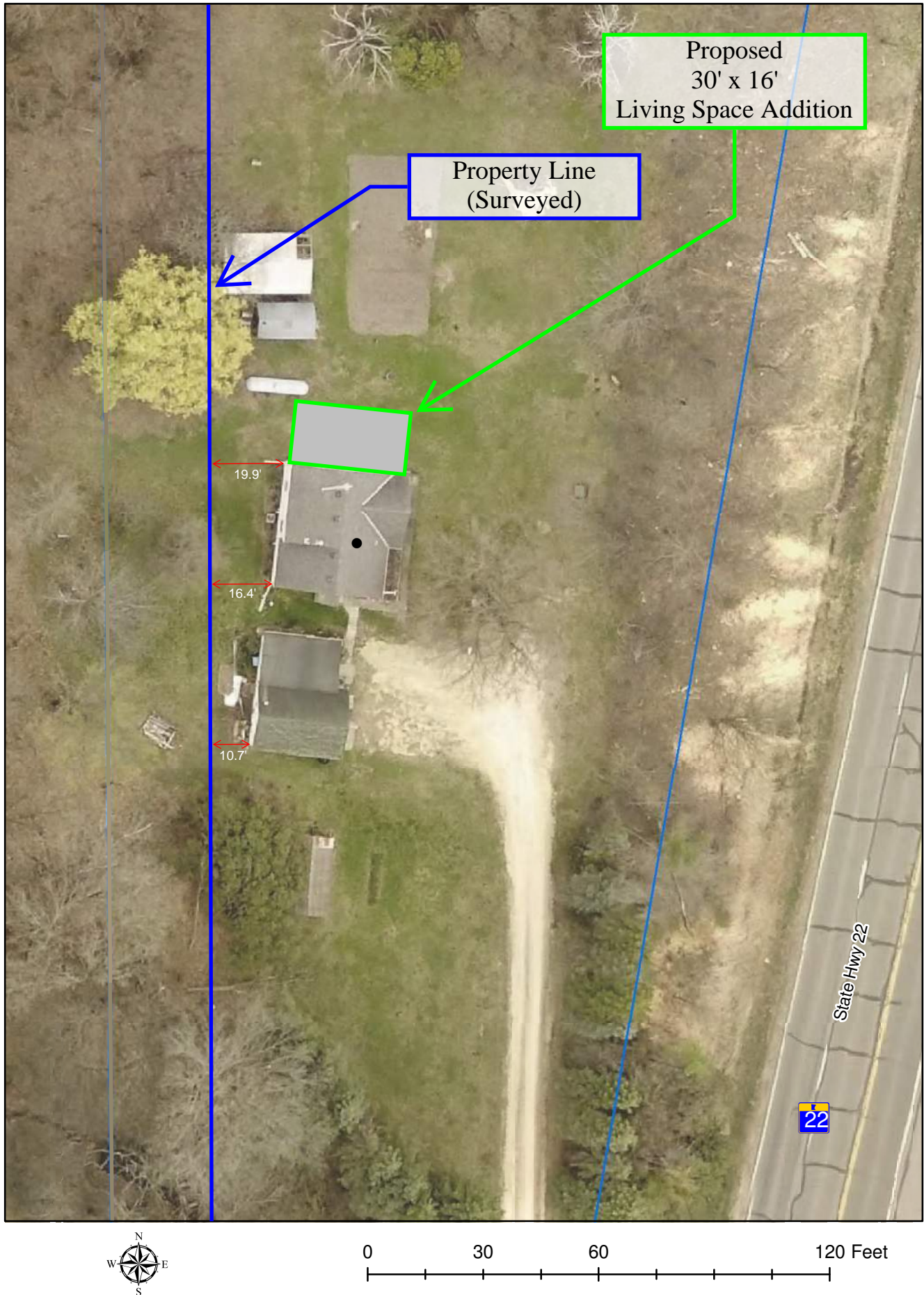


	U.S. Highway		Township Road
	State Highway		Railroad
	Paved		Section Line
	Unpaved		Township Boundary
	Paved		
	Unpaved		
	County Road		

Current Site Map
Attachment A-2

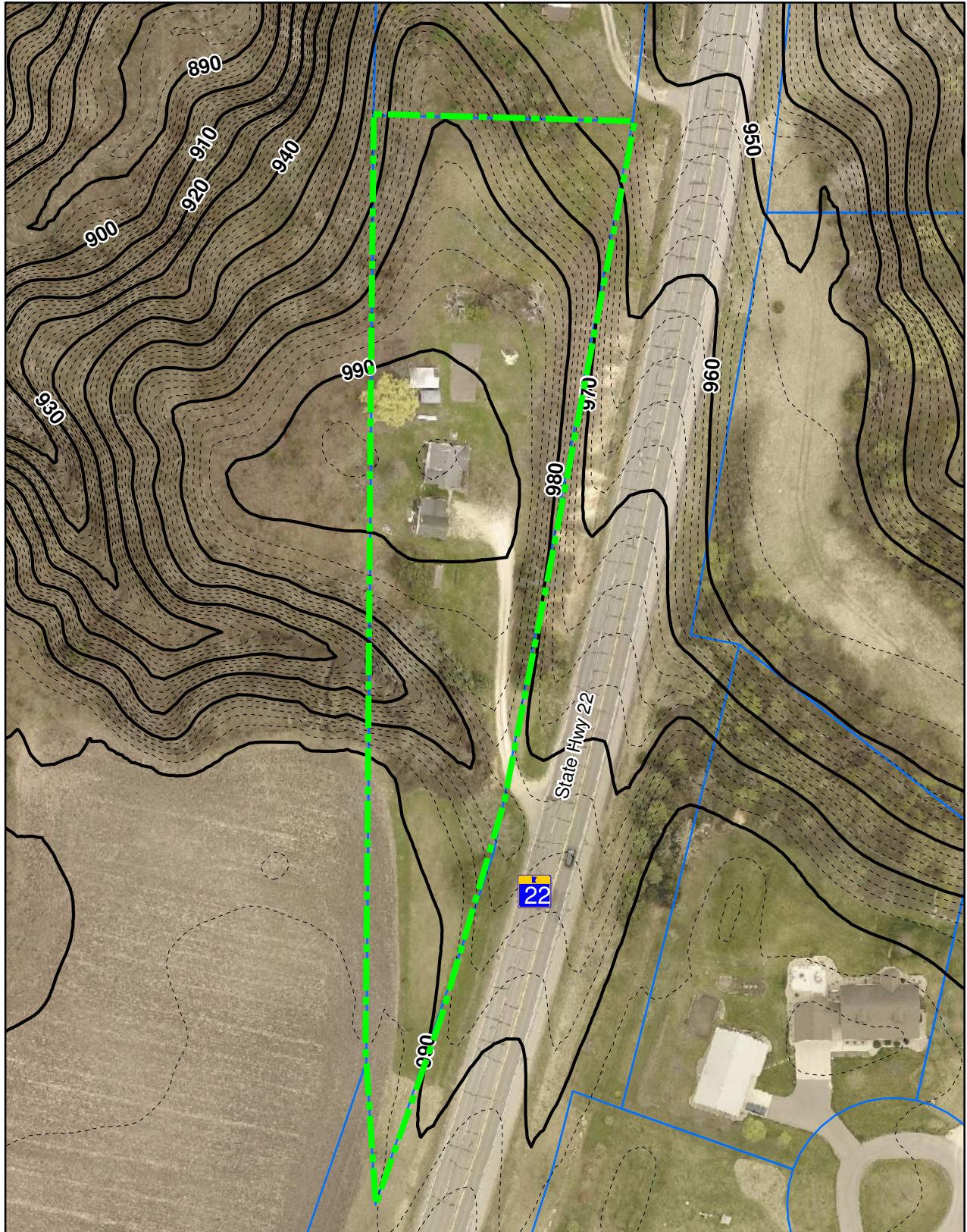


Proposed Site Map Attachment A-3



Topography Map

Attachment A-4



Elevation Contour

~ Index (10 Ft)

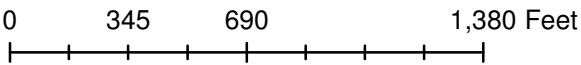
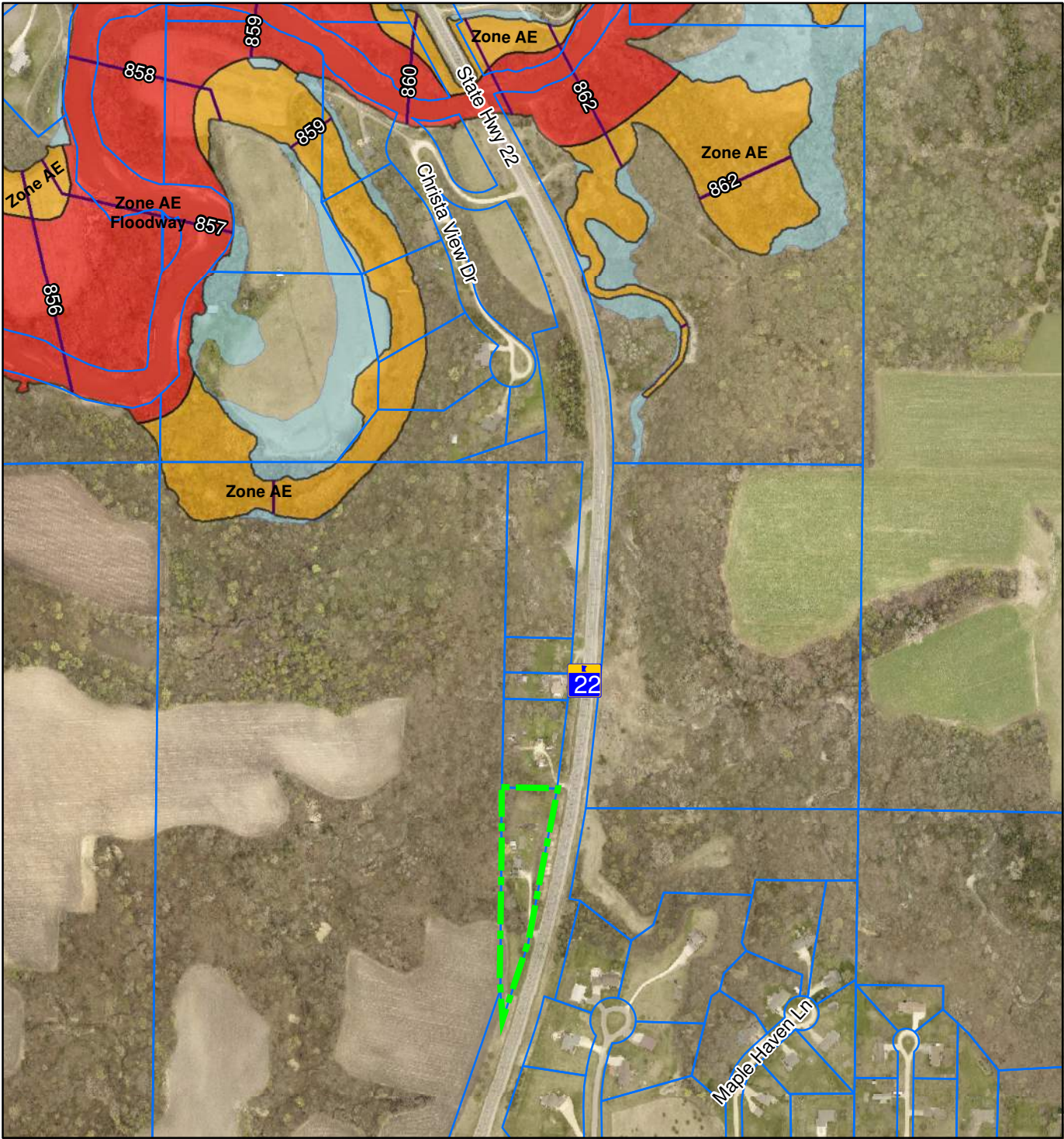
- - - Intermediate (2 Ft)

0 105 210 420 Feet



Source: Contours - MN LiDAR 2012

Floodplain Map
Attachment A-5



**Special Flood Hazard Area
(1% Chance Annual Flood)**

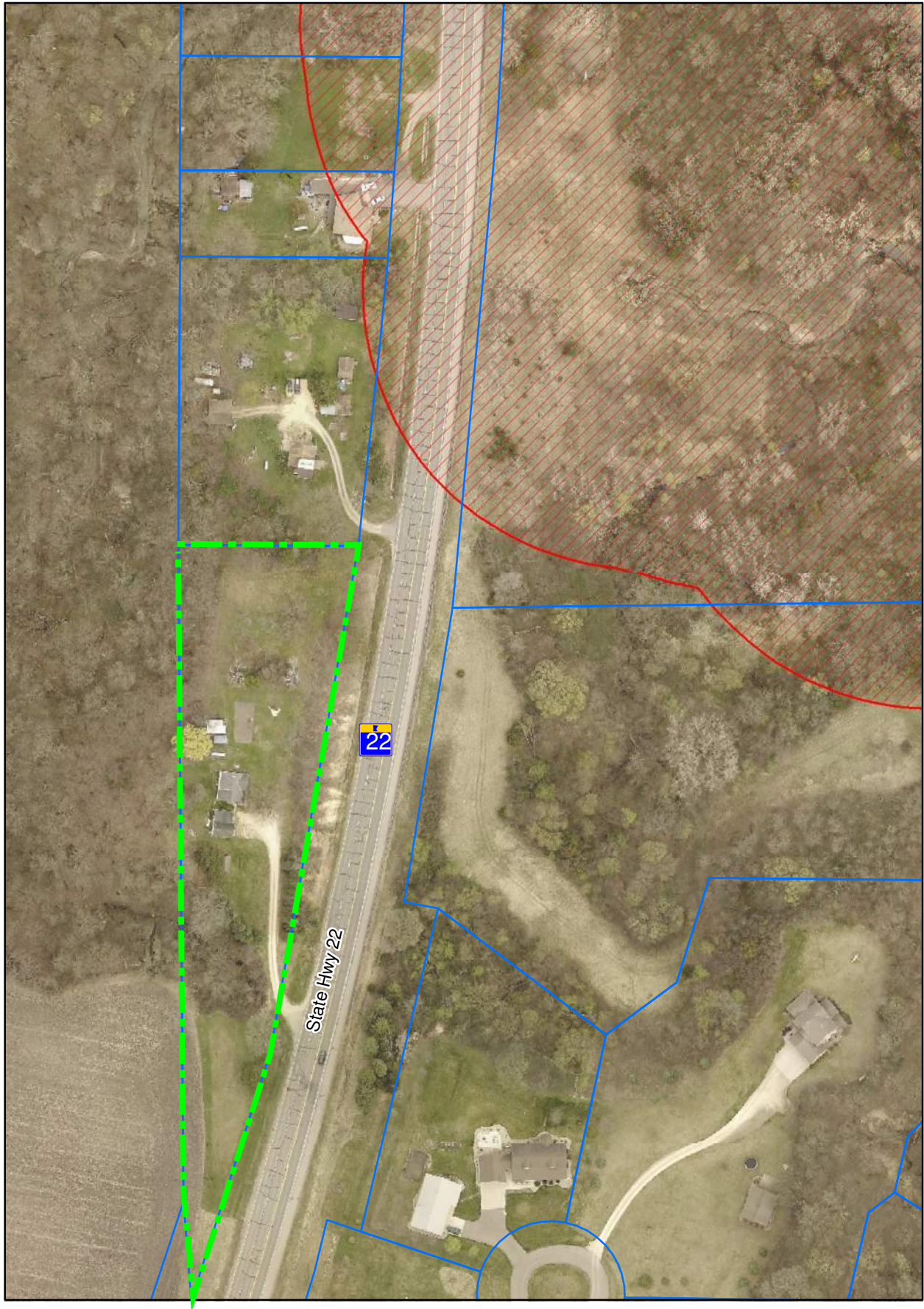
- Zone AE - Floodway
- Zone AE - Floodfringe
- Zone A - No Base Flood Elevations

Other Flood Areas - Zone X

- 0.2 % Chance Annual Flood Hazard
- Area Protected By Levee



Shoreland Overlay Map Attachment A-6



Environmental Health Review
Attachment A-7
BLUE EARTH COUNTY
ENVIRONMENTAL SERVICES
*Government Center, 410 South Fifth Street
P.O. Box 3566, Mankato, Minnesota 56002-3566
Phone: (507) 304-4381 Fax: (507) 304-4431*

Environmental Health Section - Planning Application Reviews

Date Printed:	September 27, 2018	Permit Number:	PL2018090
Property Owner:	KUNZ ESTHER L	Applicant:	KUNZ ESTHER L
Parcel Number:	R35.14.09.476.001	File ID:	BOA 06-18

Application Description: Request for review and approval of a Variance to reduce the required rear yard setback from 50 feet to 19.5 feet for the purpose of adding a living space addition to an existing home. The property is zoned Agricultural and is located in part of the Eastern Half of the Southeast Quarter of Section 9, Decoria Township.

Septic Review

Status: Complete - Comments Received

Comments: Septic Compliance Waiver signed 9/24/2018. Anderson Jesse 09/24/2018 1:28 PM

Well Review

Status: Complete-Condition Required

Comments: The enclosed property survey indicates an in-use well located north of the existing house. A review of the County records indicates that this in-use well, unique # 623181, was drilled in 1999 by Denn Well Service. Denn Well Service also properly sealed a 2 inch steel cased well, unique # H159603, located in a well pit 8 foot north of the existing house. This properly sealed well will be located in the proposed house expansion. The sealed well must be carefully excavated around and cut off below the basement excavation so that it remains intact. No buried plumbing can be added to this proposed new construction unless this buried plumbing is pressure tested to meet the well code requirements. grant 09/17/2018 10:08 AM

Wetland Review

Status: Complete - Comments Received

Comments: The proposed variance to build an addition should not negatively impact any wetlands that may exist on or near the site. There are no NWI identified wetlands on the property. Although the soils are considered hydric, the topography does not suggest the presence of wetlands. Altrichter Kristine 09/10/2018 9:35 AM

Applicant's Statement of Practical Difficulty Attachment A-8

Blue Earth County Environmental Services

Variance Request Form

Variances shall only be permitted when they are in harmony with the general purposes and intent of the official control and when the variances are consistent with the comprehensive plan. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the official control. A determination that a practical difficulty exists is based upon criteria defined by Minnesota Statutes 2011, Section 394.27, subdivision 7, and Section 24-48 of the Blue Earth County Zoning Ordinance. "Practical difficulties," as used in connection with the granting of a variance, means that the property owner proposes to use the property in a reasonable manner not permitted by an official control; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone do not constitute practical difficulties.

This form is meant to aid the applicant in preparing a statement of practical difficulty and to provide information to the Board of Adjustment regarding the variance request to help make the determination for approval or denial.

Staff Use Only	
Applicant <u>Shawn Kunz</u>	Parcel # <u>R35.14.09.476.001</u>
File # <u>BOA 06-18</u>	Project # <u>PL2018090</u>

Staff Use Only (to be used for question #5)	
Goals and policies of the Land Use Plan: Natural Environment Protection Goal:	
<u>It is in the County's best interest to adopt performance standards to protect natural resources</u>	
<u>such as bluff areas, rivers, wetlands, and wooded areas from development pressures.</u>	

Staff Use Only (to be used for question #6)	
Goals and policies of the Zoning District: Agricultural Zoning District Purpose:	
<u>(a) The intent of the Agricultural district is to allow extensive areas of the county to be</u>	
<u>preserved for agricultural related uses. (d) It is the intent of the agricultural district to preserve</u>	
<u>woodlands and other areas of aesthetic and scenic value...</u>	

Describe the proposed variance request:

WE WOULD LIKE TO ADD A 16'x30' ADDITION TO THE NORTH END OF THE HOME & ADD A 6' WIDE DECK ON THE EAST SIDE OF THE HOME. WE WILL ALSO BE LIFTING THE HOME & PUT A NEW FOUNDATION UNDER THE HOME. THIS WILL REQUIRE APPROVAL OF A VARIANCE TO REDUCE THE SIDE YARD SETBACK FROM 50' TO 20'.

1. Describe the reasons why you believe the variance you are proposing is a reasonable use of the property.

THE ADDITION WILL ADD VALUE TO THE PROPERTY. IT WILL MAKE THE HOME A SAFER ENDIOMENT. IT WILL ALLOW US TO KEEP THE HOME IN THE SAME LOCATION & THE ADDITION WILL GO FURTHER FROM THE PROPERTY LINE

- a. Is the variance you are requesting the minimum variance necessary to allow you to do what you are proposing? If yes, explain why you believe that to be the case.

YES THIS IS THE MOST COST EFFECTIVE WAY TO MAKE THE IMPROVEMENTS TO THE HOME. THE EXISTING HOME IS ALREADY IN THE REQUIRED SETBACK AREA. THE PROPOSED ADDITION, ALTHOUGH WITHIN THE REQUIRED SETBACK DOES MOVE FURTHER AWAY FROM THE PROPERTY LINE.

- b. Describe all plans and options you have considered (such as alternative design, placement, sizing, or other action you could take) if any, to do away with the need for a variance.

I HAVE TRIED MULTIPLE LAYOUTS BUT THIS PLAN IS THE MOST ECONOMICAL & WILL FIT OUR FAMILY THE BEST

2. Please describe the unique characteristics of your property that, in your opinion, make you unable to comply with the existing land use regulations.

THE LOT IS A NARROW LOT WITH AN EXISTING STRUCTURE THAT WE WANT TO IMPROVE

- a. Describe how and why the need for a variance arose.

WE ARE PURCHASING THE PROPERTY & MAKING IMPROVEMENTS. THE EXISTING HOME IS JUST UNDER 900 SF & IS TOO SMALL FOR OUR FAMILY

- b. Describe any unique features or existing site conditions of your property that you believe created the need for a variance.

THE LOCATION OF THE EXISTING STRUCTURE & THE HIGHWAY MAKE IT A NARROW LOT TO MOVE THE STRUCTURE ANYWHERE ELSE

- c. Describe any actions that to your knowledge or belief were taken by any prior owners that may have caused the need for a variance.

NOTHING HAS BEEN DONE TO THE
PROPERTY SINCE BEING BUILT IN 1954.

- d. Describe any actions you have taken since you've owned the property that may have caused the need for a variance.

NONE

3. Will the issuance of the variance maintain the essential character of the locality?

YES IT WILL

- a. Describe what you believe to be the character of the locality where the property is located.

THE VARIANCE WILL ALLOW PROPER
IMPROVEMENTS & INCREASE VALUE
A SINGLE FAMILY DWELLING IN AN AREA OF WOODED
HILLSIDES & A RESIDENTIAL SUBDIVISION TO THE EAST.

- b. Explain why you believe that the variance you have requested will not significantly change or alter the area.

I AM KEEPING THE SAME WIDTH OF THE HOME
& THE ADDITION WILL ACTUALLY BE A BIT
FURTHER AWAY FROM THE PROPERTY LINE

- c. Explain why you believe that the variance would not diminish or impair existing property values in the area or impede future development.

THE VARIANCE WILL NOT IMPACT ANY OTHER
LAND NEGATIVELY, IT WILL INCREASE VALUES

- d. Explain why you believe that the variance would not interfere with the use and enjoyment of the land of other property owners in the locality.

IT WILL NOT AFFECT ANYONE ELSE'S PROPERTY
BECAUSE OF THE LOCATION, NO IMMEDIATE
NEIGHBORS ARE NEAR BY.

- e. Would there be any adverse effects on the environment if the variance were granted? Why or why not?

NO BECAUSE IT IS A SMALL ADDITION
IT WILL IMPROVE THE LAND. THE ADDITION
IS APPROX 75' TO THE BLUFF FROM THE WEST

4. Does the need for the variance involve more than just economic considerations?

IT WILL IMPROVE THE QUALITY OF LIVING IN
THE EXISTING HOME & NEW ADDITION

- a. Describe the key reasons why you are requesting the variance.

WE WANT TO ADD AN ADDITION THAT NEEDS
TO BE DONE TO MAKE THE HOME LIVABLE FOR
OUR FAMILY

- b. Describe any unreasonable financial burden, if any, you believe you will face if the variance is not approved.

THE HOME WOULD HAVE TO BE COMPLETELY
REMODELLED INVOLVING REMOVING THE ROOF AND
ADDING A SECOND FLOOR. THIS OPTION DOESN'T
MAKE FINANCIAL SENSE. OR THE HOME WOULD
HAVE TO BE MOVED & THAT IS A LARGE EXPENSE

5. Please describe what specific goals and policies in the Blue Earth County Land Use plan you believe support your variance request (please use the supplied information from the first page).

IT WILL PROTECT THE LAND & CAUSE NO ADDITIONAL
PRESSURE TO THE NATURAL ENVIRONMENT

6. Please describe why you believe your proposal is a reasonable variation of the regulations that will be consistent with the general purpose and intent of the official controls (please use the supplied information from the first page).

IT WILL ACTUALLY BE FURTHER FROM THE PROPERTY
LINE WHEN THE ADDITION IS DONE

7. Are there any other considerations or facts that you feel should be taken into account by the Board of Adjustment when reviewing this request? If so, please explain.

THIS PROPERTY HAS BEEN OWNED BY MY GRANDPARENTS SINCE 1949. I AM HOPING TO RAISE MY FAMILY HERE AS WELL & IMPROVE THE PROPERTY. I HAVE BEEN CONSIDERATE & HAVE TRIED TO DO EVERYTHING CORRECTLY SO THERE ARE NO ISSUES WITH THE COUNTY OR NEIGHBORING PROPERTIES

DATE:

9/4/18

SIGNATURE:

Shawn King

Variance Findings of Fact Form
Attachment A-9
BLUE EARTH COUNTY BOARD OF ADJUSTMENT

FINDINGS OF FACT
SUPPORTING/DENYING A VARIANCE

Name of Applicant: Esther Kunz & Shawn Kunz

Date: October 3, 2018

Parcel #: R35.14.09.476.001

Variance Application #: BOA 06-18

The criteria for the granting of a variance are set forth in Chapter 24 of the Blue Earth County Ordinance, Section 24-48(j). Variances will only be issued when the Board of Adjustment answers "Yes" to each of the six questions set forth below.

1. Is the variance in harmony with the general purposes and intent of the official control?

Yes () No ()

Why or why not?

2. Is the variance consistent with the goals and policies of the comprehensive plan (also referred to as the "Blue Earth County Land Use Plan")?

Yes () No ()

Why or why not?

3. Is the property owner proposing to use the property in a reasonable manner not permitted by an official control?

Yes () No ()

Why or why not?

4. Is the need for the variance due to circumstances unique to the property and not created by the landowner?

Yes () No ()

Why or why not?

5. Will the issuance of the variance maintain the essential character of the locality?
Yes () No ()

Why or why not?

6. Does the need for the variance involve more than economic considerations?
Yes () No ()

Why or why not?

The answers to the questions above, together with the Facts supporting the answers and those other facts that exist in the record, are hereby certified to be the Findings of the Board of Adjustment.

APPROVED () DENIED ()

DATE: _____

Chairperson, Board of Adjustment